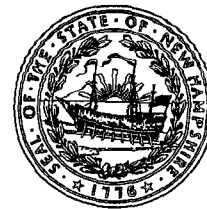




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY  
WET 2005-33

October 12, 2005

Raymond and Leslie Steenbeke  
356 East Penacook Rd  
Contoocook, NH 03229

RE: DES Wetlands File #2003-01787, 356 Penacook Rd, Hopkinton

Dear Mr. & Mrs. Steenbeke:

On September 30, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Hopkinton Tax Map 243 as Lot 28 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Administrative Rules Wt 100-800 and RSA 483-B, The Comprehensive Shoreland Protection Act.

During the inspection the following deficiencies were documented:

1. Approximately 130 linear feet of riprap has been installed on the river bank of the Blackwater River, and
2. An accessory structure, namely a screen house, has been constructed and extends up to the river bank. Accessory structures are required to maintain a minimum distance of 20 feet from the top of bank and be 150 square feet or less.

In response, you are requested to take the following actions:

1. **Within 60 days** of receipt of this Letter of Deficiency, submit an after-the-fact Standard Dredge and Fill application to retain the riprap at the toe of the bank and to cut the remainder of the bank back to a flatter slope and replant with native trees and shrubs. The application shall include all application materials required by Wt 301.02, Wt 302.04(a), Wt 501.02(a)(2) and Wt 404.04. (rules enclosed).
2. **Within 60 days** of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared and stamped by a professional engineer, and include details for placing the screen house at least 20 feet from the ordinary high water line, removing the riprap above the toe of the bank and restoration of the river bank with vegetative cover. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
    1. Existing conditions, to include an as-built plan of all structures on the river frontage and the upper and lower limits of the riprap. The plan must also show top of bank and ordinary high water line; and
    2. Proposed conditions after reestablishing the jurisdictional areas, including the upper and lower limits of the riprap;
  - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
  - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
  - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
  - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
3. Retain a qualified environmental consultant to supervise the implementation of the restoration plan and to submit the restoration progress reports.
  4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0003 0561 8002

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Hopkinton Conservation Commission  
Hopkinton Board of Selectmen  
USACOE